REMARKS

Entry of this Amendment prior to examination, and reconsideration of the Restriction Requirement, are respectfully requested. Claims 1-22 and 34-54 are pending in the application.

Claims 1, 12, 34, 45, 47, 48, and 50 have been amended to ensure accurate interpretation of the claims. Specifically, the recital of "one of [A] and [B]" has been replaced with the recital of "one of [A] *or* [B]" to ensure the claims are accurately interpreted that either A *or* B should be used, as opposed to the improper interpretation that *both* A *and* B must be used, as suggested by recent Federal Circuit decisions.[1]

Use of the term "or" has been deemed acceptable under 35 USC §112, second paragraph. *See* MPEP 2173.05(h)II. at 2100-222 (Rev. 3, Aug. 2005) (*citing In re Gaubert*, 524 F.2d 1222, 187 USPQ 664 (CCPA 1975)).

Response to Restriction Requirement

Applicant traverses the restriction requirement on procedural grounds for the reasons set forth below.

Applicant traverses the restriction requirement on procedural grounds as being unnecessary under MPEP §§ 811; 818.03; and 818.03(a-c). Applicant reserves the right to file a petition for withdrawl of the restriction requirement under 37 CFR §1.144. Applicant does not traverse whether the inventions are independent and distinct.

The Examiner asserts in the Restriction Requirement that the claims should be restricted into three groups:

Group I: Claims 1-11 and 34-44 are "drawn from forming a change in at least one of position in the network node, classified in class 707, subclass 9";

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[1] *See Superguide Corp v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 886-87 (Fed. Cir. 2004).

Group II: Claims 12-22 are "drawn from generated by the smart world objects are [sic] used to generate vector objects, classified in class 707, subclass 2";

Group III: Claims 45-54 are "drawn from receiving detected attribute in the network for configuration, classified in class 707, subclass 3."

This restriction requirement is traversed because the reliance on MPEP 806.05(d) is misplaced, and because the Restriction Requirement mischaracterizes the claimed subject matter. In particular, the Restriction Requirement asserts that "Group I has separate utility such as forming [sic] a change in at least one of position in the network node" and that "Group II has separate utility and requires generated [sic] by the smart world objects are used to generate vector objects."

However, both independent claim 1 (Group I) and 12 (Group II) recite the same asserted utility of "performing a change in at least one of position ...":

1. (CURRENTLY AMENDED) A method in a network node, the method comprising:
establishing within the network node a world object database that stores world objects, the world objects representing respective attributes of an infosphere of a network that includes the network node, the world object database including smart world objects as a subclass of the world objects and configured for generating decisions based on evaluation of selected world objects;
adding, as world objects to the world object database, sensor objects from sensor data generated in response to detected attributes within the infosphere, the sensor objects including network node objects associated with the network node;
forming the network based on: discovery of other network nodes, adding second network node objects as world objects to the world object database and representing attributes of the other network nodes, and sharing the world objects with the other network nodes; and
performing a change in at least one of position, velocity, orientation, [[and]] or wireless communication characteristics of the network node based on detecting a world object specifying a directive based on at least one of the decisions.

12. (CURRENTLY AMENDED) A network node comprising:
a mobility platform configured for ***performing a change in at least one of position, orientation, [[and]] or wireless communication characteristics of the network node*** based on a received directive, the mobility platform configured for generating sensor data in response to detection of physical attributes within an infosphere of a network that includes the network node; and

an executable routing resource configured for supplying the directive and receiving the sensor data, the executable routing resource including:

(1) a first independently executable resource configured for establishing within the network node a world object database that stores world objects representing respective attributes of the infosphere, the world object database including smart world objects as a subclass of the world objects and configured for generating decisions based on evaluation of selected world objects,

(2) a second independently executable resource configured for adding, as world objects to the world object database, sensor objects from the sensor data, the sensor objects including network node objects associated with the network node, and

(3) a third independently executable resource configured for forming the network based on: discovery of other network nodes, adding second network node objects as world objects to the world object database and representing attributes of the other network nodes, and sharing the world objects with the other network nodes;

wherein the decisions generated by the smart world objects are used to generate vector objects that specify the directives for use by the mobility platform.

Hence, the Restriction Requirement fails to demonstrate the requirements under MPEP 806.05 that:

> (A)the combination does not require the particulars of the subcombination as claimed for patentability (e.g., to show novelty and unobviousness), and
>
> (B)the subcombination can be shown to have utility either by itself or in another materially different combination.

Both combinations require the particular of performing a change in at least one of position, orientation, or wireless communication characteristics of the network node based on a received directive. Further, the Restriction Requirement fails to demonstrate how Group II can be separately usable from Group I, since *both* Groups I and II require establishing in the network node a world object database, adding sensor objects as world objects to the world object database, forming the network based on discovery of other network nodes and adding second network node objects to the world object database, and performing a change in at least one of position, velocity, orientation, or wireless communication characteristics.

Hence, the Restriction Requirement fails to demonstrate how Group II can be utilized without reading on Group I.

Hence, the Restriction Requirement fails to demonstrate that Groups I and II are distinct inventions, as required under MPEP 806.05(c).

In fact, independent claims 1 and 12 (Groups I and II) both recite the ***same essential characteristics*** of performing a change in at least one of position, orientation, or wireless communication characteristics of the network node based on a received directive. In fact, the Restriction Requirement fails to demonstrate how Group II can be used ***without reading on Group I***. Since Groups I and II both specify the ***same essential characteristics***, restriction between Groups I and II is improper. See MPEP 806.03.

Further, the Examiner has failed to demonstrate any series burden as required under MPEP §811, which states:

> [T]he examiner should make a proper requirement as early as possible in the prosecution, in the first action if possible, otherwise, as soon as the need for a proper requirement develops. ... Before making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required.
>
> (Emphasis added) (See also MPEP §808).

The Examiner has failed to demonstrate any "serious burden" if the restriction is not required because the supposed identification of class/subclasses 707/9 and 707/3 for respective Groups I and III is not consistent with the actual class definitions.

In particular, the attached Exhibit A (Class Definitions from the USPTO Website) demonstrate that Class/Subclass 707/9 is not directed to "forming a change in at least one of position in the network node"; rather 707/9 (entitled "Data Processing: Database and File Management or Data Structures / Privileged Access") is directed to "determination and granting of access to data and files by direct means, such as by the file or database creator or database manager, or by indirect means, such as by inheritance, such as by group/user access profiles." Hence, the Restriction Requirement fails to demonstrate that the claimed feature in Group I of "forming a change in at least one of ***position in the network node***" is a separate status in the art, because the definition for class/subclass 707/9 provides no description pertinent to the claimed feature of "forming a change in at least one of ***position in the network node***". Hence, the Restriction Requirement fails to demonstrate that Group I should be classified in 707/9.

Further, the attached Class Definitions from the USPTO Website demonstrate that Class/Subclass 707/3 is not directed to "receiving detected attribute in the network for configuration"; rather 707/3 (entitled "Data Processing: Database and File Management or Data Structures / Query Processing (i.e., searching)") is directed to "methods of searching for (i.e., querying) data stored as a database in a computer or digital data processing system, including sequential searching, primary and secondary index searching, and bit-map searching of inverted lists or topological maps." Hence, the Restriction Requirement fails to demonstrate that the feature of "receiving detected attribute in the network for configuration" is a separate status in the art, because the definition for class/subclass 707/3 provides no description pertinent to the claimed feature of "receiving detected attribute in the network for configuration". Hence, the Restriction Requirement fails to demonstrate that Group III should be classified in 707/3.

Hence, the Restriction Requirement fails to establish the required burden as required under MPEP §808.02 or 811.

For these and other reasons, the Restriction Requirement should be withdrawn.

Applicant provisionally elects Group III, with traverse as to procedure but without traverse as to independence or distinctness of the groups.

Prompt and favorable consideration of the foregoing are respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 10-004, and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: June 21, 2007

708,	Electrical Computers: Arithmetic Processing and Calculating, subclasses **490+** for arithmetical processing of data.
709,	Electrical Computers and Digital Processing Systems: Multicomputer Data Transferring or Plural Processor Synchronization, subclasses **201** through **203**for distributed data processing.
710,	Electrical Computers and Digital Data Processing Systems: Input/Output, subclasses **131** through **132**for bus path selecting in a computer or digital data processing system.
714,	Error Detection/Correction and Fault Detection/Recovery, subclass **4** for masking or reconfiguring of network paths.
715,	Data Processing: Presentation Processing of Document, Operator Interface Processing, and Screen Saver Display Processing, subclass **501.1** for processing a document including hypermedia, subclass 513 for processing a structured document (e.g., HTML, SGML, ODA, CDA), subclasses 515-516 for compound documents, and subclass 532 for text data document processing with a dictionary.
718,	Electrical Computers and Digital Processing Systems: Virtual Machine Task or Process Management or Task Management/Control, appropriate subclasses for identifying and dealing with run-time dependencies between executing programs, tasks, and processes (e.g., data dependencies, control flow dependencies, etc.), particularly subclass **106** for dependency based cooperative processing of multiple programs working together to accomplish a larger task.

3 Query processing (i.e., searching):

This subclass is indented under **subclass 1**. Subject matter directed to methods of searching for (i.e., querying) data stored as a database in a computer or digital data processing system, including sequential searching, primary and secondary index searching, and bit-map searching of inverted lists or topological maps.

(1) Note. The combination of a database accessing method with a particular operator interface feature may be found in these subclasses. Operator interfaces, per se, are classified elsewhere.

SEE OR SEARCH CLASS:

178,	Telegraphy, subclasses **18+** for writing systems such as, for example, digitizing tablets.
235,	Registers, subclasses **375+** for systems controlled by data bearing member.
345,	Computer Graphics Processing and Selective Visual Display Systems, subclasses **156** through **184**for input devices such as mice, touch screens, etc.
353,	Optics: Image Projectors, subclass **25** for selective optical data retrieval.
704,	Data Processing: Speech Signal Processing, Linguistics, Language Translation, and Audio Compression/Decompression, subclasses **1+** for machine translation and linguistic data processing and subclasses 200+ for speech translation methods and apparatus.
706,	Data Processing: Artificial Intelligence, subclasses **45** through **61**for input means in a knowledge-based system.
715,	Data Processing: Presentation Processing of Document, Operator Interface Processing, and Screen Saver Display Processing, subclasses **530** through **541**for text editing, composition or storage control, and subclasses 700-866 for operator interfaces, per se, in particular subclasses 764-862 for on-screen

Exhibit A to Amendment and Response to Rest. Req. filed June 21, 2007 serializing of access to the "shared" information, or the copying of information into independent copies, which must ultimately be "integrated" for data coherency. Coherency, on other hand, although a related topic, is related to the maintaining of multiple copies of information in a database or file in a manner which ensures data integrity amongst the plurality of copies, regardless of whether a single user or plurality of simultaneous users are accessing the information. When a plurality of users are accessing the plurality of copies of information, then both concurrency and coherency concepts may be involved, and the subject matter may be properly classified herein based on hierarchy. Database or file coherency, per se, is classified elsewhere. Source code version management and software version management are classified elsewhere.

(2) Note. For clarification, the methods of ensuring data concurrency include employing time-stamping, semaphores, global and local shared locking (i.e., read only), and exclusive locking (i.e., read and write), multiple versioning, and temporal versioning, such as snapshots.

(3) Note. This subclass is directed to data integrity in database accessing and control. A concept search on this subject or the related subjects of data coherency and version management should consider the related topics as they appear in this class.

SEE OR SEARCH CLASS:

705, Data Processing: Financial, Business Practice, Management, or Cost/Price Determination, subclasses **1** through **45**for automated financial or business practice or management systems and in particular subclasses 1 through 6 for file and database maintenance systems including data coherency in database systems.

710, Electrical Computers and Digital Data Processing Systems: Input/Output, subclass **200** for access locking.

711, Electrical Computers and Digital Processing Systems: Memory, subclasses **141** through **146**for cache memory data coherency, and subclasses 147 through 153 for sharing memory and prioritized access regulation.

715, Data Processing: Presentation Processing of Document, Operator Interface Processing, and Screen Saver Display Processing, subclass **511** for document version management under document processing, and subclasses 716-726 for operator interface aspects of workgroup data processing environments for plural users or sites and cross-reference art collection 971 directed to interface aspects of cooperative decision support systems for groups of users.

717, Data Processing: Software Development, Installation, and Management, subclass **122** for source code version management in a software programming environment, and subclasses 174 through 178 for software installation and version management of operating systems, application programs, and other executable programs.

718, Electrical Computers and Digital Processing Systems: Virtual Machine Task or Process Management or Task Management/Control, appropriate subclasses for identifying and dealing with run-time dependencies between executing programs, tasks, and processes (e.g., data dependencies, control flow dependencies, etc.), particularly subclass **106** for dependency based cooperative processing of multiple programs working together to accomplish a larger task.

9 Privileged access:

This subclass is indented under **subclass 1**. Subject matter directed to determination and granting of access to data and files by direct means, such as by the file or database creator or database manager, or by indirect means, such as by inheritance, such as by group/user access profiles.

(1) Note. This subclass is directed to access control in database systems. Computer system security is classified elsewhere.

(2) Note. This subclass is directed to access control in database systems. The concept of access control exists throughout the class. Therefore, a search to a particular concept of access control should consider the related topics in bus access control, memory access control, computer system access control, generic access control, etc.

SEE OR SEARCH CLASS:

710, Electrical Computers and Digital Data Processing Systems: Input/Output, subclasses **107+** for bus access regulating.

711, Electrical Computers and Digital Processing Systems: Memory, subclasses **147+** for shared memory access and control, and subclasses 163+ for access limiting and password use in memory accessing and control.

715, Data Processing: Presentation Processing of Document, Operator Interface Processing, and Screen Saver Display Processing, subclasses **716** through **726**for operator interface aspects of workgroup data processing environments for plural users or sites.

726, Information Security, subclasses **1** through **36**for information security in computers or digital processing system.

10 Distributed or remote access:

This subclass is indented under **subclass 1**. Subject matter directed to management of distributed database data and file access and retrieval, and retrieval of database data and files from a centralized or remote site.

SEE OR SEARCH CLASS:

705, Data Processing: Financial, Business Practice, Management, or Cost/Price Determination, subclasses **1+** for automated business systems, per se, and in particular subclasses 26-27 for electronic shopping and catalogue browsing.

709, Electrical Computers and Digital Processing Systems: Multicomputer Data Transferring or Plural Processor Synchronization, subclasses **210** through **203**for multicomputer distributed data processing and subclasses 208-211 for multicomputer data transfer processing with master/slave arrangement.

711, Electrical Computers and Digital Processing Systems: Memory, subclasses **117** through **146**for hierarchical memory and caching, and subclasses 147+ for shared memory access and control.

712, Electrical Computers and Digital Processing Systems: Processing Architectures and Instruction Processing (e.g., Processors), subclasses **1+** for processor, coprocessor arrangements.

715, Data Processing: Presentation Processing of Document, Operator Interface Processing, and Screen Saver Display Processing, subclasses **716** through **726**for operator interface aspects of workgroup data processing environments for plural users or sites and cross-reference art collection 971 directed to interface aspects of cooperative decision support systems for groups of users.